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**UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

GLASSEY ET AL,

Plaintiff(s),

v.

SYMMETRICOM, INC.,

Defendant(S).

Case No. 3:13-cv-04662 (NC)

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINE FOR
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS AND TO
CONTINUE CASE MANAGEMENT
CONFERENCE AND ADR
DEADLINES PURSUANT TO L.R. 6-
1(b)**

Judge: The Honorable Nathanael Cousins
Date: March 12, 2014
Time: 3:00 PM
Dept: Courtroom A, 15th Floor

WHEREAS, on October 7, 2013, Todd S. Glassey and Michael F. McNeil

1 (“Plaintiffs”) filed the above-captioned complaint in this Court (“Complaint”);

2 WHEREAS, on October 8, 2013, the Court issued an Order Setting Initial
3 Case Management and ADR Deadlines setting the initial case management
4 conference for January 8, 2014 at 10:00 AM (Dkt. No. 5);

5 WHEREAS, on October 31, 2013, Defendant Symmetricom, Inc.
6 (“Symmetricom”) and Plaintiffs (together, “the Parties”) agreed that Symmetricom’s
7 answer or motion under Rule 12 must be filed by December 30, 2013;

8 WHEREAS, Symmetricom agreed to file a motion to dismiss all claims
9 against it on or before December 30, 2013;

10 WHEREAS, on December 13, 2013, the Parties filed a Stipulation and
11 Proposed Order to postpone the January 8, 2014 initial case management conference
12 and a continuance of the ADR Deadlines (Dkt. No. 15) in view of Symmetricom’s
13 forthcoming motion to dismiss;

14 WHEREAS, on December 16, 2013, the Court entered an Order modifying
15 the date of the initial case management conference to February 12, 2014 at 10:00
16 AM and granted a continuance of the ADR Deadlines (Dkt. No. 16);

17 WHEREAS, on or around December 20, 2013, Symmetricom retained new
18 counsel from the firm of Lee Tran Liang & Wang LLP (Notices of Appearances
19 Dkt. Nos. 17, 19, 20);

20 WHEREAS, on December 24, 2013, the Parties stipulated to a 30-day
21 extension for Symmetricom to file a responsive pleading to the Complaint on or
22 before January 29, 2014 (Dkt. No. 18);

23 WHEREAS, on December 26, 2013, the Court issued an Order continuing the
24 CMC until March 12, 2014 (Dkt. No. 21);

25 WHEREAS, on January 29, 2014, Symmetricom filed a Motion to Dismiss,
26 the Plaintiffs’ opposition to which comes due on February 12, 2014, and which was
27

1 noticed for motion hearing set for March 19, 2014 (Dkt. No. 25);

2 WHEREAS, the Plaintiffs have requested and received the consent of
3 Symmetricom to stipulate to a fourteen (14) day extension of time within which to
4 file their opposition to the Motion to Dismiss.

5 IT IS THEREFORE STIPULATED AND AGREED, by and among the
6 Parties and their respective counsel of record, that:

- 7
- 8 1. Plaintiffs shall file their opposition to the Motion to Dismiss on
9 or before February 26, 2014, and the hearing date for the motion
10 will be continued to April 2, 2014, at 1:00 PM;
 - 11 2. The initial case management conference in this matter currently
12 scheduled for March 12, 2014, at 3:00 PM shall be continued
13 until after the Court rules on the Motion to Dismiss;
 - 14 3. All other deadlines set forth in the Court's Order Setting Initial
15 Case Management Conference and ADR Deadlines be continued
16 accordingly.

17
18 Dated: February 8, 2014

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20 By: /s/ Ross M. Babbitt

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GLASSEY and MICHAEL E. MCNEIL*

Dated: February 8, 2014

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By: /s/ Heather F. Auyang

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SYMMETRICOM, INC.*

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Case Management
Conference is continued to April 23, 2014 at 10:00 a.m.

Dated: February 10, 2014

The Honorable Nathanael Cousins
Magistrate Judge

